

Organic Food Business_____News

Dennis Blank
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November 15, 2000

Daniel L. Glickman
Secretary of Agriculture
U.S. Dept. of Agriculture
1400 Independence Ave.
Washington, DC 20250-1300

Dear Secretary Glickman:

As an active member of the organic food industry and publisher of Organic Food Business News, a monthly publication that goes to 2,000 readers worldwide, I am writing to you out of my deep concern about what I see as a serious restriction on the flow of information coming out of the National Organic Program. I am joined in this concern by the American Agricultural Editors Association, whose membership includes the editors and publishers of every major farm publication in the US.

In the past year, I have witnessed a growing impasse on obtaining routine documents from the NOP staff either by phone, in person or by mail and even at public meetings. In a briefing earlier this year, new members of the National Organic Standards Board have been warned not to discuss NOP business outside of their meetings. Veteran members have been warned not to discuss decisions and actions that take place inside the USDA. Many members are clearly uncertain about what they can say. I have documents to prove what I am saying, and yet there is no law that gives the USDA that kind of authority to put that pressure on this advisory board.

At one time, notice and minutes of the NOSB Executive Committee were made available to anyone who wants them. Now, my recent efforts to obtain draft minutes going all the way back to March have been blocked. Several requests for routine information under the Freedom of Information Act have been thwarted. Routine documents that I have been sent have been heavily censored or black lined!

Secretary Glickman, what is going on? At one time, the business of the NOSB and its staff was open and free flowing.

The NOP staff gladly volunteered draft documents so the organic community would know where they are at every stage of the process in developing the organic rule. Now all this has changed, and there is a deep chasm between the public and the NOP.

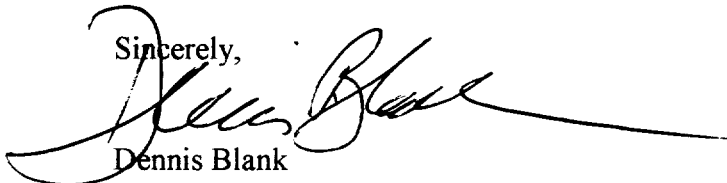
The NOP staff is servants of the people, paid by the taxpayers. The public and the media have a right to be informed of all the transactions taking place within this agency. Many staff members have been warned not to talk with the press. Routine information is jealously guarded as if it were national secrets.

All this is undermining the confidence the organic industry and media once had in a program we thought was an open, cooperative effort. Information was exchanged on a two-way basis. Now it is all one way. It is all going in and nothing coming out.

As an investigative reporter for the New York Times and USA Today, I would hate to see this situation get any worse than it already has. I am imploring you to assist in resolving this "Iron Curtain" policy imposed by the NOP. Lawsuits are costly and time consuming, and I would hate to see this issue come to that. However, in talking with many media groups, they are adamant the public's right to know should be upheld.

I am available to meet with you at any time along with the Organic Trade Assn. representatives and other members of the media. I look forward to hearing from you.

Sincerely,



Dennis Blank
Editor and Publisher



United States
Department of
Agriculture

Agricultural
Marketing
Service

P.O. Box 96456
Washington, DC
20090-6456

AUG 25 2000

In reply, please refer to
AMS FOIA No. 156-00

Mr. Dennis Blank
Editor-Publisher
Organic Food Business News
P.O. Box 161132
Altamonte Springs, Florida 32716-1132

Dear Mr. Blank:

This is in response to your June 21, 2000, Freedom of Information Act request. I am responding for the Agricultural Marketing Service.

You requested copies of all correspondence, including memos, e-mails, and formal letters, authored by Kathleen Merrigan between March 1 and March 10, 2000; all e-mail and correspondence sent by Agriculture Secretary Dan Glickman between April 3 and April 22, 2000; all e-mail and correspondence sent to and authored by Keith Jones, Program Manager, National Organic Program (NOP), between June 5 and June 15, 2000; and all memorandums, documents, and laws relating to the document, "Maintaining Professional and Ethical Standards," developed by the NOP and given to members of the National Organic Standards Board on June 5, 2000.

As noted in our interim response of July 21, your request for all e-mail and correspondence sent by Agriculture Secretary Dan Glickman between April 3 and April 22 has been forwarded to the appropriate office for response.

On July 21, AMS provided you with 30 responsive documents, including copies of 23 memorandums authored by Kathleen Merrigan and 3 documents relating to the document, "Maintaining Professional and Ethical Standards."

Regarding your request for all e-mails authored by Kathleen Merrigan between March 1 and March 10, 2000, AMS has 143 e-mails. We are releasing 55 messages in their entirety and 28 with some redactions. On the documents, you will note deletions with a reference to the applicable FOIA exemption. Sixty messages were withheld in their entirety. Of these, 2 were withheld because they relate solely to the internal rules and practices of the Agency, 5 U.S.C. 552(b)(2), 44 were determined to be predecisional and deliberative in nature, 5 U.S.C. 552(b)(5), and 14 were withheld because release of this information would represent a clearly unwarranted invasion of personal privacy, 5 U.S.C. 552(b)(6).

Regarding your request for all e-mail sent to and authored by Keith Jones, Program Manager, NOP, between June 5 and June 15, 2000, AMS has 208 pages of e-mail



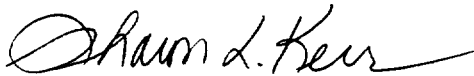
The Agricultural Marketing Service
is an agency of the
United States Department of Agriculture

Mr. Dennis Blank
Page 2

transmissions. We are providing you with copies of 104 pages of e-mail sent to and/or authored by Keith Jones. You will observe that we have ~~deleted~~ certain portions of some documents provided. The reference to the applicable FOIA exemption for each deletion is noted. We are withholding copies of 104 pages of e-mail due to the fact that they contain material which is predecisional and deliberative in nature, 5 U.S.C. 552(b)(5), is solely related to internal rules and practices of the Agency, 5 U.S.C. 552(b)(2), constitutes an unwarranted invasion of personal privacy, 5 U.S.C. 552(b)(6), and/or contains commercial information, 5 U.S.C. 552(b)(4).

You may appeal this response within 45 days from the date of this letter. Any such appeal should be in writing and addressed to the Administrator, USDA/AMS, P.O. Box 96456, Rm. 3071-S, Washington DC 20090-6456. If you decide to file an appeal, please provide specific reasons why you believe modification of the initial action is warranted. To facilitate processing your appeal, the phrase, "FOIA APPEAL," should be placed in capital letters on the front of the envelope.

Sincerely,



Sharon L. Kerr
Freedom of Information Act Officer

Enclosures

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November 15, 2000

Hon. Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Mr. Secretary:

Mr. Dennis Blank, editor and publisher of Organic Food Business News, recently contacted the American Agricultural Editors' Association to express concerns about withholdings and redactions from his recent Freedom of Information Act requests.

These withholdings and redactions seemed strange to him and he wanted AAEA to see if they were strange to us, as well.

As the new president (So new, I'm using an old letterhead.), it is my job—on behalf of members and anyone in the agricultural media who requests our association's assistance—to look into these concerns.

Upon my inspection of Mr. Blank's requests and of subsequent responses by Sharon Kerr, the FOIA officer within the Agricultural Marketing Service, I frankly see no reason why some of the redactions were made.

Particularly troubling was the redaction of hometowns of nominees to the National Organic Standards Board. These redactions were extreme, to say the least.

From what I can gather, most of what Mr. Blank seeks is routine information and has little, if anything, to do with privileged material.

It saddens me that Mr. Blank has to make FOIA requests for the seemingly routine information he seeks. The redactions I have seen give off the chilling effect that a few people in the U.S. Department of Agriculture have something to hide.

Mr. Blank also informs me that notices of NOSB executive board meetings no longer are available. This kind of action is not in keeping with the tradition of excellent media cooperation USDA is known for.

I've personally been proud to say how open USDA staff and you, in particular, have been with me over the years. Needless to say, Mr. Blank's allegations of censorship and abuse of FOIA requests are of great concern to me and to all in the agricultural media.

On behalf of the board of directors of the AAEE, I urge you to personally look into Mr. Blank's assertions.

I know you share with me the belief that USDA is the "people's department" and that you will do right by Mr. Blank through a personal intervention on his behalf to make sure his FOIA requests are given a proper response.

You are more than welcome to personally contact me to discuss this matter.

With best regards, I remain,

Sincerely:



Larry Dreiling
President
American Agricultural Editors' Association
Associate Editor
High Plains Journal

enclosures

(b) (6)

USDA/NATIONAL ORGANIC STANDARDS BOARD
2001 NOMINEES

Mr. Lee N. Arst (Farmer/Grower)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ms. Deborah J. Brister (Certifier)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ms. Cecilia Bowman (Farmer/Grower)

[REDACTED]
[REDACTED]

SS#

[REDACTED]
[REDACTED]

Fax:

Mr. Ben F. Burkett (Farmer/Grower)

[REDACTED]
[REDACTED]

SS#

HP:

[REDACTED]

Fax:

Mr. Craig Carson

[REDACTED]
[REDACTED]

SS#

[REDACTED]

OP:

[REDACTED]

Mr. Dave Carter (Consumer/Public Interest)

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10800 E. Bethany Drive, 4th Floor
Aurora, CO 80014-2632

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ms. Goldie Caughlan (Consumer/Public Interest)

[REDACTED]
[REDACTED]

SS#

[REDACTED]

OP:

Fax:

Mr. Paul Giuntoli

[REDACTED]
[REDACTED]

SS#

HP:

OP:

Fax:

Mr. James P. Goodman (Farmer/Grower)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Professor Roberto P. Haro

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

NOTICE
ATTACHMENTS
ARE NOT INCLUDED IN RESPONSE

Jones, Keith

From: [REDACTED] (b)(6)
Sent: Thursday, August 10, 2000 1:35 PM
To: wittenbm@wholefoods.com@inter2
Cc: Jones, Keith; [REDACTED]
steven.harper@smallplanetfoods.com@inter2; esideman@mofga.org@inter2
Subject: Re: aquaculture task force

[REDACTED] (b)(6)

Thanks for your willingness to chair the aquaculture subgroup. I can't imagine more capable hands!! You are a treasure. CB

Jones, Keith

From: [REDACTED] (b)(6)
Sent: Sunday, August 06, 2000 5:06 PM
To: Jones, Keith
Subject: Fwd: Materials for review



Re: Materials for review

Forgot to cc you on the attached. cb

Jones, Keith

From: [REDACTED] (b)(6)
Sent: Friday, August 04, 2000 12:39 PM
To: Jones, Keith; ken@ewg.org@inter2; mcasey@ewg.org@inter2; kdimatteo@ota.com@inter2;
farmbox@inreach.com@inter2; obandele@su.jags.subr.edu@inter2;
[REDACTED] burton@jmsmucker.com@inter2; becky@edf.org@inter2;
blydon@mothers.org@inter2; [REDACTED] sideman@mofga.org@inter2;
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steven.harper@smallplanetfoods.com@inter2; dailyblessing@yc2.net@inter2;
[REDACTED] wlockeretz@infonet.tufts.edu@inter2 [REDACTED]
Subject: Fwd: Stossel Broadcast re organic food



RE: Stossel Broadcast
re organ...

I hope this forward contains our letter and Westin's initial reply. Carolyn